

## Bureau of Land Management, Interior

## § 3621.1-4

contract shall be awarded by the authorized officer to the person making the highest bid, unless he is unwilling to accept the terms of the contract or unless all bids are rejected.

(b) Within 30 days after receipt of the contract, the person making the successful bid shall sign and return the contract, together with any required performance bond and mining and reclamation plan when applicable. The authorized officer may extend this period an additional 30 days upon written request of the applicant, within the first 30-day period. If the person making the successful bid fails to comply within the first 30-day period, or an approved 30-day extension, the successful bidder shall forfeit the bid deposit as liquidated damages. The authorized officer may offer and award the contract for the amount of the high bid to the person making the next highest bid who is qualified and willing to accept the contract, upon the redeposit of the amount required under § 3610.3-4(a).

(c) The authorized officer shall make all sales on contract forms approved by the Director. The authorized officer may include in the contract such additional provisions as are deemed necessary to protect other resource values or prevent unnecessary and undue degradation of the public lands.

### § 3610.3-6 Term of contract.

The term for competitive contracts of sale for mineral materials shall not exceed 10 years, excluding extension or removal periods.

## PART 3620—FREE USE

### Subpart 3621—Free Use: General

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AUTHORITY: Minerals Management Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

SOURCE: 48 FR 27015, June 10, 1983, unless otherwise noted.

## Subpart 3621—Free Use: General

### § 3621.1 Permits: general.

#### § 3621.1-1 Applications.

An application for a free use permit shall be filed with the authorized officer on forms approved by the Director.

#### § 3621.1-2 Terms.

The authorized officer may grant free use permits to any Federal, or State agency, unit or subdivision, including municipalities, for periods deemed appropriate, not to exceed 10 years. The authorized officer may issue free use permits not to exceed 1 year in duration to non-profit organizations, and may extend any free use permit for a single additional period not to exceed 1 year.

#### § 3621.1-3 Assignment.

A free use permit may be assigned or transferred to persons or other entities listed in § 3621.1-2 of this title qualified to hold a free use permit with the written approval of the authorized officer.

#### § 3621.1-4 Conditions.

(a) The authorized officer shall incorporate the provisions governing the selection, removal and use of the mineral materials in the free use permit.

(b) The authorized officer shall not issue a free use permit upon determination that the applicant owns or controls an adequate supply of suitable mineral materials that are readily available and can be mined in a manner which is economically and environmentally acceptable.

(c) Mineral materials obtained under a free use permit shall not be bartered or sold.

(d) The permittee shall not remove the mineral materials before a permit is issued or after a permit has expired.

**§ 3621.1-5 Removal of materials by agent.**

A free use permittee may allow an agent to extract the mineral materials. This agent shall not charge the permittee for the materials extracted, processed or removed, or receive mineral materials from the permit area as payment for services rendered, or as a donation or gift.

**§ 3621.1-6 Bond.**

The authorized officer may require a bond as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

**§ 3621.1-7 Cancellation.**

The authorized officer may cancel a permit if the permittee fails, after adequate notice, to observe the terms and conditions of the permit.

**§ 3621.2 Permits to governmental units and non-profit organizations.**

(a) The authorized officer may issue a free use permit to any Federal or State agency, unit or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided the applicant makes a satisfactory showing to the authorized officer that these materials will be used for a public project.

(b) The authorized officer may issue a free use permit to a non-profit organization or corporation for not more than 5,000 cubic yards (or weight equivalent) in any period of twelve consecutive months.

(c) Permits issued under this subpart shall constitute a superior right to remove the materials and shall continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

**Subpart 3622—Free Use of Petrified Wood**

**§ 3622.1 Program: General.**

(a) Persons may collect limited quantities of petrified wood for noncommercial purposes under terms and conditions consistent with the preservation

of significant deposits as a public recreational resource.

(b) The purchase of petrified wood for commercial purposes is provided for in § 3610.1 of this title.

**§ 3622.2 Procedures; permits.**

No application or permit for free use is required except for specimens over 250 pounds in weight. The authorized officer may issue permits, using the procedures of subpart 3621 of this title, for the removal of such specimens if the applicant certifies that they will be displayed to the public in a museum or similar institution.

**§ 3622.3 Designation of areas.**

(a) All public lands administered by the Bureau of Land Management and the Bureau of Reclamation are open to or available for free use removal of petrified wood unless otherwise provided for by notice in the FEDERAL REGISTER. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the FEDERAL REGISTER.

(b) The heads of other Bureaus in the Department of the Interior may publish in the FEDERAL REGISTER designations, modifications or cancellations of free use areas for petrified wood on lands under their jurisdiction.

(c) The Secretary of the Interior may designate, modify or cancel free use areas for petrified wood on public lands which are under the jurisdiction of other Federal departments or agencies, other than the Department of Agriculture, with the consent of the head of other Federal departments or agencies concerned, upon publication of notice in the FEDERAL REGISTER.

**§ 3622.4 Collection rules.**

(a) *General.* The authorized officer shall control the removal without charge of petrified wood from public lands using the following criteria:

(1) The maximum quantity of petrified wood that any one person is allowed to remove without charge per day is 25 pounds in weight plus one piece, provided that the maximum total amount that one person may remove in one calendar year shall not exceed 250 pounds. Pooling of quotas to

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obtain pieces larger than 250 pounds is not allowed.

(2) Except for holders of permits issued under subpart 3621 of this title to remove museum pieces, no person shall use explosives, power equipment, including, but not limited to, tractors, bulldozers, plows, power-shovels, semi-trailers or other heavy equipment for the excavation or removal of petrified wood.

(3) Petrified wood obtained under this section shall be for personal use and shall not be sold or bartered to commercial dealers.

(4) The collection of petrified wood shall be accomplished in a manner that prevents unnecessary and undue degradation of lands.

(b) *Additional rules.* The head of the agency having jurisdiction over a free use area may establish and publish additional rules for collecting petrified wood for noncommercial purposes to supplement those included in §3622.4(a) of this title.

### Group 3700—Multiple Use; Mining

NOTE: The information collection requirements contained in part 3730 of Group 3700 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0110. The information is being collected to permit the authorized officer to determine whether an applicant is qualified to hold a lease for the exploration, development and utilization of minerals on all public lands withdrawn for power development. The information will be used to make this determination. A response is required to obtain a benefit.

(See 48 FR 40890, Sept. 12, 1983)

### PART 3710—PUBLIC LAW 167; ACT OF JULY 23, 1955

#### Subpart 3710—Public Law 167; Act of July 23, 1955: General

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